

Serial No. 10/658,046
Response dated December 7, 2005
Reply to Office Action of October 7, 2005

Attorney Docket No. PF01874NA C01

REMARKS/ARGUMENTS

Claims 9 through 11, 14 through 22 and 24 remain in this application. Claims 9, 22 and 24 have been amended.

Claims 9 and 24 are rejected under 35 U.S.C. §112, first paragraph, as based on a disclosure but not included in the claim(s), and claims 9, 22 and 24 are rejected under 35 U.S.C. §112, second paragraph.

Claim 9 as amended provides, *inter alia*, a wireless communication system capable of transmitting information to a remote device in response to receiving a query for the information from the remote device. Also, claim 22 as amended provides, *inter alia*, a transmitting/receiving device configured to transmit a query for information about the real estate property to the electronic lock box and receive the information from the electronic lock box in response to the query and, likewise, claim 24 as amended provides, *inter alia*, transmitting information about the real estate property from the electronic lock box to the transmitting/receiving device in response to receiving the query. Thus, the information is communicated by the electronic lock box upon a request from a remote device.

Other concerns presented by the above Office Action and Advisory Action, relating to the 35 U.S.C. §112 rejections, are addressed by the following explanation. As shown in FIG. 1 and described at page 4, lines 2 through 22, of the specification, the client device 26 communicates with the real estate sign 20 which includes a wireless communication system 24. The wireless communication system is shown in FIG. 2 and described at page 8, line 17, through page 10, line

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33, of the specification. It should further be noted that the electronic lock box 25 may function in a manner similar to the wireless communication system 24 by supporting user queries and supplying information wirelessly to either client 26 or controlling agent device 28, as described at page 7, lines 9 through 12. Accordingly, the electronic lock box includes a memory for storing the information to be communicated to a remote device, such as the client device or the controlling agent device. The manner in which information may be stored in the memory is well known to one skilled in the art and does not form a part of the currently claimed invention.

In view of the above, reconsideration and withdrawal of the 35 U.S.C. §112, second paragraph, rejection of claims 9, 22 and 24 are respectfully requested.

Claims 9 through 11, 14 through 22 and 24 are rejected under 35 U.S.C. §103(a) as being unpatentably over U.S. Patent No. 4,766,746 to Henderson, et al. ("Henderson, et al. patent") in view of U.S. Patent No. 5,791,172 to Deighton, et al. ("Deighton, et al. patent") and U.S. Patent No. 5,793,882 to Piatek, et al. ("Piatek, et al. patent").

Claim 9 provides, *inter alia*, an electronic lock box that wirelessly communicates information about the real estate property, including at least one selected from the group comprising a price of the real estate property, a square footage of the real estate property, a virtual tour of the real estate property, a number of bedrooms within the real estate property and an availability of the real estate property, and claims 22 and 24 as amended provide, *inter alia*, similar language. In contrast, the Henderson, et al. patent, the Deighton, et al. patent, and the Piatek, et al. patent do not teach information about the real estate property including at least one selected from the group comprising a price of the real estate property, a square footage of the real

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estate property, a virtual tour of the real estate property, a number of bedrooms within the real estate property and an availability of the real estate property.

The above Advisory Action also request consideration of a news release, released November 1, 1999, about an eKey portable digital organizer ("eKey publication") and U.S. Patent No. 6,472,973 to Harold, et al. ("Harold, et al. patent"). Similar to the other references above, the Harold, et al. patent does not describe or suggest information about the real estate property including at least one selected from the group comprising a price of the real estate property, a square footage of the real estate property, a virtual tour of the real estate property, a number of bedrooms within the real estate property and an availability of the real estate property, as required by claims 9, 22 and 24. The eKey publication is directed to a portable digital organizer that supports electronic lockboxes, but does not describe or suggest the electronic lockbox of claims 9, 22 and 24.

Therefore, claims 9, 22 and 24 distinguish patentably from the Henderson, et al. patent, the Deighton, et al. patent, the Piatek, et al. patent, the eKey publication, the Harold, et al. patent, and any combination of these patents.

Claims 10, 11 and 14 through 21 depend from and include all limitations of independent claim 9 as amended. Therefore, claims 10, 11 and 14 through 21 distinguish patentably from the Henderson, et al. patent, the Deighton, et al. patent, the Piatek, et al. patent, the eKey publication, the Harold, et al. patent, and any combination of these patents for the reasons stated above for independent claim 9.

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In view of the above, reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection of claims 9 through 11, 14 through 22 and 24 are respectfully requested.

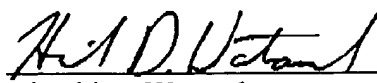
No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicants respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,
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